

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
INFOSINT S.A.,

Plaintiff,

-against-

H. LUNDBECK A/S, LUNDBECK, INC.,
FOREST LABORATORIES, INC. AND
FOREST PHARMACEUTICALS, INC.,
Defendants.
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #.
DATE FILED: 10/21/09

06 CIVIL 2869 (LAK)

JUDGMENT

09, 2002

A Jury Trial before the Honorable Lewis A. Kaplan, United States District Judge, having begun on September 29, 2009, and the jury having rendered a special verdict at the conclusion of the trial, it is,

ORDERED, ADJUDGED AND DECREED: That the plaintiff have judgment in the sum of \$15,000,000.00 as against the defendants, jointly and severally.

DATED: New York, New York
October 21, 2009

So Ordered:


U.S.D.J.

J. MICHAEL McMAHON

Clerk of Court

BY:



Deputy Clerk

THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____

Infosint S.A.

v.

H. Lundbeck A/S,
Forest Laboratories &
Forest Pharmaceuticals

06cv2869 (LH)

Case Number

JUDGE Kaplan

(FULL TITLE OF CASE - IF NECESSARY USE OTHER SIDE)

APPEARANCES: (include firm name and telephone #) 212-908-6317

FOR PLAINTIFF: James Galbraith, Mario Luis Palmese, and Walter E. Hanley, Jr., Kenyon & Kenyon, - One Broadway, New York, NY 10004-1007

FOR DEFENDANT: Peter J. Armario, Gerald J. Flammann, Jr., Ellen Scordino, and Jeanne M. Heffernan, Kirkland & Ellis, 601 Lexington Ave, New York

TRIAL (JURY) ~~(NON-JURY)~~ BEGUN: N.Y. 10022 212-446-4960

9/29/09 Jury selected & sworn, trial begun; 9/30/09 trial continued.

10/1/09 trial continued and adjourned to 10/5/09; 10/5/09 trial continued; 10/6/09 trial continued; plaintiff rested; Defendants

Rule 50 motion was ^{denied in part} and reserved in part. Defendant's case begun; 10/7/09

trial continued; 10/8/09 trial continued and adjourned to 10/14/09;

10/14/09 Defendant rested and renewed their Rule 50 motion to which the Court deferred

to its earlier decision on 10/6/09 and reserved as to patent invalidity;

plaintiff's rebuttal case made & concluded; 10/15/09 jury charged;

deliberations begun & concluded and a special verdict

returned. (see attached)

(AN EXTRACT OF THE MINUTES)

CLERK Andrew Mohan

FFI-EST-41678-6M-0031

COURT REPORTER Rebecca Forman & Carol Gandy

UNITED STATES DISTRICT COURT
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Plaintiff,

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H. LUNDBECK A/S, LUNDBECK, INC.,
FOREST LABORATORIES, INC. AND
FOREST PHARMACEUTICALS, INC.,

Defendants.
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VERDICT FORM

1. Direct Infringement

Has plaintiff proved, by a preponderance of the evidence, that Forest infringed Claim 24 of the '973 Patent with respect to the processes listed below?

(Answer "Yes" or "No" to each process listed below.)

LUMSAS

> Carboxyphthalid ra vad udg. 6 and LULUM udg. 1 Yes ☒ No ☐

LUPUK

> Carboxyphthalide v. 12 Yes ☒ No ☐
 > Carboxyphthalide v. 13 Yes ☒ No ☐
 > Crude LUPUK P5 v. 1 Yes ☐ No ☒

LUPI

> PL 1 AU Carboxyphthalide Acido Umido Yes ☐ No ☒

RA Chem

> 5-carboxyphthalide process Yes ☐ No ☒

SF Chem

> COPWF, COPWF roh Darstellung Yes ☒ No ☐

Siegfried CMS

> 5-carboxyphthalid roh feucht Yes ☐ No ☒

Ramdev

> 5-carboxyphthalide process Yes ☒ No ☐

CF Pharma

> Fthalidsav nyers Yes ☐ No ☒

Blue Circle

> 5-carboxyphthalide process (2008) Yes ☐ No ☒

(If your answer is "Yes" to any of the processes listed above, proceed to Question 2. If your answer is "No" to all processes, proceed to Question 3.)

2. Inducing Infringement

Has plaintiff proved, by a preponderance of the evidence, that Lundbeck induced Forest to infringe Claim 24 of the '973 patent?

(Answer "Yes" or "No" *only* with respect to any process or processes that you found to infringe in response to Question 1.)

LUMSAS

> Carboxyphthalid ra vad udg. 6 and LULUM udg. 1 Yes ☒ No ☐

LUPUK

> Carboxyphthalide v. 12 Yes ☒ No ☐
 > Carboxyphthalide v. 13 Yes ☒ No ☐
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> 5-carboxyphthalid roh feucht Yes ☐ No ☒

Ramdev

> 5-carboxyphthalide process Yes ☒ No ☐

CF Pharma

> Fthalidsav nyers Yes ☐ No ☒

Blue Circle

> 5-carboxyphthalide process (2008) Yes ☐ No ☒

(Proceed to Question 3.)

3. Invalidity - Novelty

Have defendants proved, by clear and convincing evidence, that Claim 24 of the '973 Patent was anticipated by Forney 1970?

Yes ☐

No ☒

(Proceed to Question 4.)

4. Invalidity - Obviousness

Have defendants proved, by clear and convincing evidence, that Claim 24 is invalid because it would have been obvious to one of ordinary skill in the art on January 18, 2000?

Yes _____

No ☒

(If your answer to Question 1 is "Yes" to any of the processes, proceed to Question 5. If your answer to Question 1 is "No" to all processes, sign your names below and tell the officer you have reached a verdict.)

5. Damages

Has plaintiff proved, by a preponderance of the evidence, a reasonable royalty and the amount of that reasonable royalty?

Yes ☒

No _____

If you answered "Yes" to Question 5, write in the amount of that reasonable royalty.

\$ 15,000,000
(Fifteen Million)

Please sign your names in the spaces provided, fill in the date, and inform the officer that you have reached a verdict.

S. Petrasino

Alex P. Kehoe

John A. ...

Jacqueline Simon

Peter J. Paria

Judy R. Strauss

Dorando Vazquez

Alex ...

Ray L. Clend

Stephen J. Grodzky

Date: October 15, 2009